



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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## In Re Application of:

Nielsen et al.

Confirmation No.: 9879

Serial No.: 09/486,623

Group Art Unit: 1631

Filing Date: July 6, 2000

Examiner: A. Marschel

For: PEPTIDE NUCLEIC ACIDS HAVING ANTIBACTERIAL ACTIVITY

EXPRESS MAIL LABEL NO: EL 884782297 US  
DATE OF DEPOSIT: January 15, 2003

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**SUBMISSION OF TERMINAL DISCLAIMER**

The attached Terminal Disclaimer is being submitted for the above  application

patent.

**FEE PAYMENT**

- A check in the amount of \$110.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of \$0.00. This sheet is attached in duplicate.
- The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

Date: *January 15 2003*

  
John W. Caldwell  
Registration No. 28,937

Woodcock Washburn LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439



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#17  
Plunkett  
1122/03

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE  
PATENTING REJECTION OVER A PRIOR PATENT

The owner, **Peter E. Nielsen**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,300,318. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated

prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

*(Check either box 1 or 2 below, if appropriate)*

1. For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

The required statement under 37 CFR § 3.73(b) is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney of record.

#### FEE STATUS

3. Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

4. Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as:

an Independent Inventor

a Small Business Concern

DOCKET NO.: ISIS-3292

- 3 -

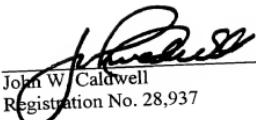
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a Nonprofit Organization  
 Small Entity - \$55.00

5. Other than a Small Entity - \$110.00

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